

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By Chairman Diane Rice, on March 29, 2007 at 8:00 A.M., in Room 137 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Diane Rice, Chairman (R)  
Rep. Dave Gallik, Vice Chairman (D)  
Rep. Ron Stoker, Vice Chairman (R)  
Rep. Douglas Cordier (D)  
Rep. Robyn Driscoll (D)  
Rep. Bob Ebinger (D)  
Rep. George Everett (R)  
Rep. Julie French (D)  
Rep. Rick Jore (C)  
Rep. Krayton Kerns (R)  
Rep. Roger Koopman (R)  
Rep. Deborah Kottel (D)  
Rep. Tom McGillvray (R)  
Rep. Jesse O'Hara (R)  
Rep. Ken Peterson (R)  
Rep. Holly Raser (D)  
Rep. John Ward (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** David Niss, Legislative Branch  
Pam Schindler, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 424, SB 433, SB 437, 3/21/2007  
Executive Action: SB 309, SB 318, SB 481, SB 486

**HEARING ON SB 437**

**Opening Statement by Sponsor:**

00:01:12 Sen. Jim Elliott (D), SD 7, opened the hearing on SB 437, Establish criteria for the office of sheriff.

**Proponents' Testimony:**

00:04:58 Jim Cashell, Gallatin County Sheriff Montana Sheriffs and Peace Officers Association

00:08:15 Rube Wrightsman, Undersheriff, Gallatin County Sheriff

**Opponents' Testimony:** None

**Informational Testimony:**

00:15:57 Kevin Olson, Administrator, Montana Law Enforcement Academy

**Questions from Committee Members and Responses:**

00:16:11 Rep. Jore  
00:17:38 Sen. Elliott  
00:19:38 Rep. Cordier  
00:20:14 Sheriff Cashell  
00:21:17 Rep. Kottel  
00:21:40 Mr. Olson  
00:27:34 Sheriff Cashell  
00:34:58 Rep. French  
00:35:46 Sheriff Cashell  
00:43:59 Rep. Stoker  
00:44:20 Mr. Olson  
00:48:05 Rep. Gallik  
00:48:26 Mr. Olson  
00:51:53 Rep. Koopman  
00:53:37 Sheriff Cashell  
01:00:04 Rep. Ebinger  
01:00:17 Sheriff Cashell  
01:01:10 Rep. Peterson  
01:03:02 Sen. Elliott  
01:04:17 Rep. Rice  
01:04:57 Sen. Elliott

**Closing by Sponsor:**

01:06:24\_\_Sen. Elliott

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**HEARING ON SB 433**

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**Opening Statement by Sponsor:**

01:13:53 Sen. Jesse Laslovich (D), SD 43, opened the hearing on SB 433, Allow termination of deferred or suspended sentences.

**Proponents' Testimony:**

01:27:31 Ron Alsbury, Bureau Chief, Parole and Probation Division, Department of Corrections, State of Montana  
01:29:50 Larry Cutrone, for wife Rose LaFontise (ill and unable to attend)

**EXHIBIT (juh67a01)**

01:38:57 Diana Koch, Chief Legal Counsel, Department of Corrections, State of Montana

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:39:31 Rep. Stoker  
01:40:08 Sen. Laslovich  
01:41:34 Rep. McGillvray  
01:41:53 Sen. Laslovich  
01:42:15 Rep. Koopman  
01:43:04 Sen. Laslovich  
01:44:50 Rep. Peterson  
01:45:19 Sen. Laslovich  
01:49:42 Ms. Koch  
01:50:38 Rep. Jore

**Closing by Sponsor:**

01:51:16\_\_Sen. Laslovich

01:53:15\_\_Break  
02:15:30 Reconvene

**HEARING ON SB 424**

**Opening Statement by Sponsor:**

02:15:36 Sen. Lynda Moss (D), SD 26, opened the hearing on SB 424, Revised uniform management of institutional funds.  
[EXHIBIT\(juh67a02\)](#)

**Proponents' Testimony:**

02:20:52 Dan McLean, self, Attorney, Board Member of Montana Community Foundation

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:28:12 Rep. Kottel  
02:29:11 Mr. McLean  
02:43:52 Rep. Stoker  
02:44:09 Mr. McLean  
02:45:22 Rep. McGillvray  
02:52:10 Rep. Stoker  
02:52:56 Mr. McLean

**Closing by Sponsor:**

02:54:41 Sen. Moss

**ADDITIONAL EXHIBIT:**

Exhibit received for SB 547 heard in Committee on March 28, 2007  
[EXHIBIT\(juh67a03\)](#)

**EXECUTIVE ACTION ON SB 309**

02:58:07 **Motion:** Rep. Stoker moved that **SB 309 BE CONCURRED IN.**

**Discussion:**

02:58:21 Rep. French  
02:59:22 Rep. Rice

02:59:47 **Motion:** Rep. Peterson moved that **SB 309 BE AMENDED.**  
[EXHIBIT\(juh67a04\)](#)

03:01:46 **Vote:** Motion that **SB 309 BE AMENDED** carried unanimously by voice vote. Reps. Gallik and Cordier voted by proxy.

03:02:00 **Motion:** Rep. Stoker moved that **SB 309 BE CONCURRED IN AS AMENDED.**

03:02:31 Rep. Driscoll

03:02:38 Rep. Peterson

03:03:02 Rep. Ebinger

03:03:44 **Vote:** Motion that **SB 309 BE CONCURRED IN AS AMENDED** carried 14-3 by roll call vote with Reps. Gallik, Cordier and Driscoll voting no. Reps. Gallik and Cordier voted by proxy. Rep. Peterson to carry on House Floor.

Rep. Cordier returned to the room; Chairman Rice allowed Rep. Cordier the option to change his vote. Rep. Cordier did change his vote to aye at that time. Therefore the recorded vote will be 15-2.

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**EXECUTIVE ACTION ON SB 318**

03:05:21 **Motion:** Rep. Stoker moved that **SB 318 BE CONCURRED IN.**

**Discussion:**

03:05:36 Rep. Peterson

03:06:09 Rep. Raser

03:07:38 Rep. Kerns

03:08:45 Rep. Peterson

03:09:16 Rep. Kerns

03:09:43 Rep. Kottel

03:09:57 **Vote:** Motion that **SB 318 BE CONCURRED IN** carried 13-4 by roll call vote with Reps. Gallik, Raser, Driscoll, and Peterson voting no. Reps. Gallik and French voted by proxy. Rep. Kerns to carry on House Floor.

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**EXECUTIVE ACTION ON SB 481**

03:12:14 **Motion:** Rep. Stoker moved that **SB 481 BE CONCURRED IN.**

03:13:04 **Motion:** Rep. Koopman moved that **SB 481 BE AMENDED.**

**EXHIBIT**(juh67a05)

**Discussion:**

03:16:35 David Niss, Legislative Services  
03:18:06 Rep. Raser  
03:19:35 Rep. Driscoll  
03:20:22 Rep. Cordier

03:22:48 **Substitute Motion:** Rep. Koopman made a **SUBSTITUTE MOTION that SB 481 BE AMENDED in PARAGRAPH 8, STRIKE "ACKNOWLEDGMENT."**

**Discussion:**

03:23:22 Rep. Ebinger  
03:24:38 Rep. French  
03:24:47 Mr. Niss  
03:25:21 Rep. Koopman  
03:25:24 Rep. Stoker  
03:25:44 Rep. Kottel

03:26:30 **Vote:** Motion that **SB 481 BE AMENDED** carried 13-4 by roll call vote with Reps. Gallik, French, Cordier, and Driscoll coting no. Rep. Gallik voted by proxy.

03:27:23 **Motion:** Rep. Stoker moved that **SB 481 BE CONCURRED IN AS AMENDED.**

**Discussion:**

03:27:36 Rep. Ward  
03:28:33 Rep. Peterson  
03:30:03 Rep. French  
03:31:56 Rep. McGillvray  
03:33:13 Rep. Kottel  
03:36:19 Rep. Koopman

03:37:09 **Vote:** Motion that **SB 481 BE CONCURRED IN AS AMENDED** failed 6-11 by roll call vote with Reps. Gallik, French, Raser, Cordier, Driscoll, and Kottel voting aye. Rep. Gallik voting by proxy.

03:37:54 **Motion/Vote:** Rep. Stoker moved that **SB 481 BE TABLED AND THE VOTE REVERSED.** Motion carried 11-6 by voice vote with Reps. Gallik, French, Raser, Cordier, Driscoll, and Kottel voting no. Rep. Gallik voted by proxy.

**EXECUTIVE ACTION ON SB 486**

03:38:33 **Motion:** Rep. Stoker moved that **SB 486 BE CONCURRED IN.**

03:38:35 Chairman Rice postponed action on SB 486.

**Additional Exhibits:**

Exhibit received at the conclusion of the Hearing today for SB  
337 heard on 3/26/07

**EXHIBIT**(juh67a06)

**ADJOURNMENT**

Adjournment: 11:39 A.M.

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REP. DIANE RICE, Chairman

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PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

**EXHIBIT ([juh67aad.pdf](#))**